

### REMARKS

This amendment is offered in response to the Office Action of December 9, 2009.

The Office Action rejected claims 11, 20, 42-43 and 54-55 under 35 U.S.C. §101 for having claims directed towards a non-statutory subject matter. Claim 42 is rejected under 35 U.S.C. §102 (e) as being anticipated by McMorris, III et al. (US2004/0230443 – “McMorris”). Claims 11, 20, 54, and 55 are rejected under 35 U.S.C. §103(a) as being obvious over Leslie Webb, “Sticking to the Requirements of Eco-Labels, PPI, Oct. 2000, Vol. 42, Iss. 10, page 39 (“Webb”) in view of Riina-Riitta Helminen, “Developing Tangible Measures for Eco-Efficiency: The case of the Finnish and Swedish Pulp and Paper Industry” (“Helminen”).

In response to the §101 rejection, applicants have amended the claims so the subject matter of the claims are directed towards a statutory subject matter. No new matter is being added.

#### **Rejection of claims under §102(e) and §103(a)**

Applicants respectfully state that claim 42 is not anticipated by McMorris. Further, claims 11, 20, 54, and 55 are also not obvious over the combination of Webb and Helminen. The applicants submit the following in support for reconsideration of the claims.

First, the current invention, the “Eco-value Transfer”, is built on the different effects the origin of the resources used in the production of organic compounds have on the environment. When the resources used in the production are derived from plants, reduction of carbon dioxide occurs through the photosynthesis process while the plants grow before being used as a resource. On the other hand, when fossil based resources are used, there is no reduction of carbon dioxide during its production since fossil based resources are usually dug up or mined from the earth. The overall effect towards the environment is different when use of fossil based resources is

compared to the use of plant based resources in the production of process of an organic compound. Therefore, the current invention is not looking at the amount of carbon dioxide released (or the amount reduced) to the environment during the production process. The invention looks at the amount of an organic compound produced using plant based resources and the amount is compared to the amount of equivalent organic compound produced using fossil based resources. The invention then allows the transfer of marking rights associated with the positive effects the use of plant based resources to the organic compound produced using fossil based resources. The transfer is based on the production volume of the organic compounds produced using each type of resources.

Applicants have further reviewed the disclosures of McMorris in detail. Applicants respectfully believe the invention disclosed in McMorris is different from the present invention and therefore does not anticipate claim 42.

McMorris discloses analyzing the amount and type of gases removed by an apparatus during a production process. The amount and type of gases (or emissions) removed is then quantified into a value and is traded. Therefore, McMorris discloses a system or method for trading emission reduction. However, it does not disclose transferring positive ecological value based on the use of plant based resource in the production of an organic compound and transferring that value to an production of equivalent organic compound produced using fossil based resources. Since McMorris fails to disclose this element of the present invention, Applicants believe McMorris fails to anticipate claim 42.

Applicants have also reviewed Webb in more detail and believe Webb does not disclose a method of measuring the amount of product produced using plant base resources as stated in

the Office Action. Webb discloses measuring the amount of carbon dioxide released as emission when producing virgin pulp.

Moreover, Webb does not disclose the concept behind the present invention which is to make apparent the difference between the ecological value of the organic compound produced using the plant based resources and that produced using the fossil based resources as a difference in the amount of positive ecological value. Therefore, it can be inferred that Webb disclosed the virgin pulp as just as an example of a product. If Webb had the concept like the present invention, we believe there should have been some descriptions of product produced using the fossil based resources in comparison to the virgin pulp example. However, there is no such disclosure in Webb.

Like McMorris, Webb does not disclose transferring positive ecological value associated with the use of plant based resource in the production of an organic compound and then transferring that value to a production of equivalent organic compound produced using fossil based resources based on the production amount of the organic compound.

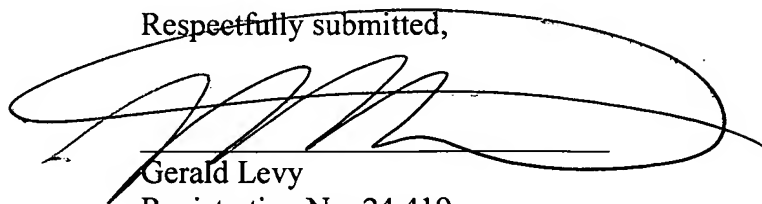
Further, Applicants have reviewed Helminen in more detail. Helminen discloses a concept of “eco-efficiency” and various methods to calculate or measure this concept in a tangible form. However, like McMorris and Webb, Helminen also fails to disclose transferring positive ecological value based on the use of plant based resource in the production of an organic compound and then transferring that value to a production of equivalent organic compound produced using fossil based resources based on the production amount of the organic compound.

Since Webb and Helminen both fail to disclose this element of the present invention, the combination of Webb and Helminen also does not make claims 11, 20, 54, and 55 obvious.

For the above reasons, the Examiner is respectfully requested to withdraw the rejections of the claims, to enter this amendment, to allow the claims, and to pass this application to early issue.

A request for one month extension of time and fees are enclosed. Applicants do not believe that there are any additional fees due. However, if any additional fees are due, please charge such sums to our Deposit Account: 50-1145.

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read 'Gerald Levy', is written over a horizontal line.

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